



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,905	07/12/2006	Gunter Wagner	06078646	1616

27799 7590 04/15/2008  
COHEN, PONTANI, LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

EXAMINER
----------

ITALIANO, ROCCO

ART UNIT	PAPER NUMBER
----------	--------------

3746

MAIL DATE	DELIVERY MODE
-----------	---------------

04/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,905	<b>Applicant(s)</b> WAGNER ET AL.	
	<b>Examiner</b> ROCCO ITALIANO	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/12/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because a "return ring (8)" is stated in lines 1 and 3. It is recommended by the examiner that the term be replaced with "stator ring" in order to maintain language consistency within the disclosure and to clearly summarize the applicant's invention. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: In the *Detailed Description of the Invention* section of the specification the reference character "6" has been used to designate both "a pump casing" and "the end plate" (see page 3). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the body" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5-7 recites the limitation "the body" in line 2 of each claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the rotor" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the feed pump" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuckey U.S. 5,106,277.

In regards to claims 1 and 4, Tuckey discloses a fuel pump for an internal combustion engine, analogous to a fuel feed unit for delivering fuel as described by the applicant. Tuckey discloses: an electric motor (40); a cylindrical flux ring (30) regarded as the equivalent to the applicant's electric motor stator ring; permanent magnets (32), or magnetic shells, arranged in a comparable manner to the applicant's arrangement whereby the permanent magnets (32) are arranged inside the cylindrical flux ring (30); a motor casing (34), or casing part, to accommodate the cylindrical flux ring (30) or stator ring (see column 1, lines 50-55 and Fig. 1). The disclosure according to Tuckey differs with respect to the applicant's invention in that no specific detail is provided teaching of a one-piece body comprising the stator ring (30) and an adjoining component of the

motor casing and/or of the permanent magnets (32). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate the stator ring and adjoining components in order to achieve a one-piece body, since it has been held that forming in one piece an article which have been formerly formed in a plurality pieces and put together involves only routine skill in the art.

*Howard v. Detroit Stove Works, 150 U.S. 164 (1993).*

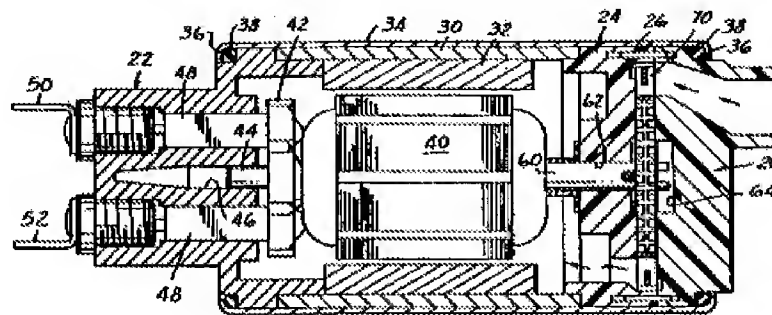
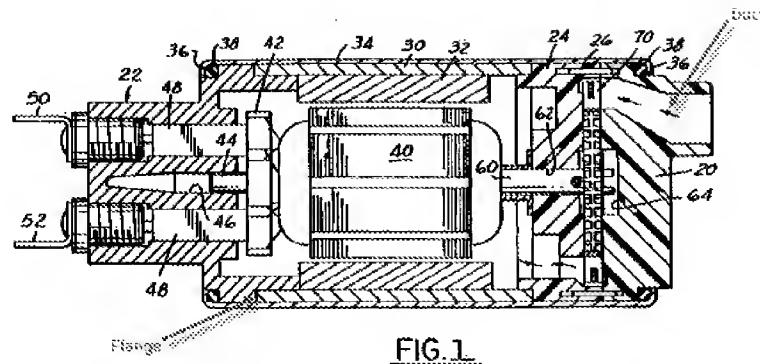


FIG. 1

With respect to claim 5, Tuckey illustrated within the Fig. 1, the body (34) comprising the stator ring (8) has a flange portion for joining a connection piece (22) intended for the connection of a fuel line (50, 52) (see Fig.1 labeled by examiner for clarity provided below).

In regards to claim 6, Tuckey discloses further a bearing (60) for the rotor which can be seen in Fig.1 as being provided in an analogous manner as depicted by the applicant (see Fig. 1).

In regards to claim 7, it can be seen in Fig.1 according to Tuckey that the cylindrical flux ring (30) or stator ring is joined in one piece to a component (20) having a duct (see Fig 1. labeled by examiner for clarity).



Claim 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuckey U.S. 5,106,277 as applied to claim 1 above, and further in view of Ward U.S. 5,121,021.

In regards to claim 2, Ward teaches of an electric machine in which a frame is formed of iron or ferrite powder particles that are bounded together by a thermoplastic material. In view of this teaching it would be obvious to modify the invention of Tuckey with the teaching of Ward by utilizing such a known method of producing such a frame or one-piece body in order to achieve a fuel feed unit whereby a reduction of manufactured parts could be achieved, ultimately resulting in a reduction of cost to produce such a product (see abstract).

With respect to claims 3 it would have been obvious to person of ordinary skill in the art at the time of the invention to peruse the known options within his/her technical grasp in order to select a suitable plastic from a finite number of choices in order to construct the one-piece body so that a desired predictable solution could be achieved. In choosing a particular material, such as polyphenyl sulfide, to obtain anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROCCO ITALIANO whose telephone number is (571)270-3761. The examiner can normally be reached on Mon - Fri (Alt Fri Off) 9-5 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
Unit 3683

Rocco Italiano  
Patent Examiner  
AU 3746

R.I.

Application/Control Number: 10/585,905  
Art Unit: 3746

Page 7

04/09/2008